

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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|---------------------------|---|------------------------------------|
| UNITED STATES OF AMERICA, | : | CASE NO. 1:06CR590 |
| | : | |
| Plaintiff, | : | |
| | : | JUDGE CHRISTOPHER A. BOYKO |
| vs. | : | |
| | : | |
| GERALDINE MCCAULLEY, | : | <u>ORDER REGARDING DEFENDANT'S</u> |
| | : | <u>COMPETENCY TO STAND TRIAL</u> |
| Defendant. | : | |
| | : | |

On July 25, 2007, counsel for the defendant, Geraldine McCaulley, filed a motion to determine the mental competency of the defendant to stand trial, and a motion for a psychiatric examination of the defendant. This Court granted those motions on July 27, 2007 and ordered that a psychiatric and neurological examination be conducted by Dr. Douglas W. Scharre, Director of the Division of Cognitive Neurology and Associate Professor of Neurology and Psychiatry at the Ohio State University Medical Center. This Court held a competency hearing on September 14, 2007, and on October 3, 2007, to determine the defendant's competency to stand trial under 18 U.S.C. § 4241.

Based on the evidence presented, this Court

FINDS, by a preponderance of the evidence, that defendant Geraldine McCaulley is presently suffering from a mental disease or defect, specifically dementia, rendering her mentally incompetent to the extent that she is unable to assist properly in her defense. *See* 18 U.S.C. § 4241(d).

This finding is supported by the evidence presented by motion and at the hearings. The

court's finding is based on the opinion of Dr. Scharre, who this Court finds to be a competent expert on the matters at hand. Dr. Scharre evaluated Ms. McCaulley in person on multiple occasions, and administered a battery of neurological and cognitive tests, laboratory tests, and brain imaging. Both in a written report and in person at the hearing, Dr. Scharre opined, to a reasonable degree of medical certainty, that Ms. McCaulley is presently suffering from a mental disease, specifically frontotemporal dementia, and this condition is rendering her mentally incompetent to the extent that she is unable to assist properly in her defense. Specifically, Dr. Scharre concluded that she suffered from false beliefs, psychoses, and particularly poor insight and judgment. He testified she had an impaired ability to plan, organize, or reach sound decisions based on good judgment. Dr. Scharre also concluded there was no doubt that the defendant was not malingering.

Having found the defendant presently incompetent to stand trial under 18 U.S.C. § 4241(d), it is

ORDERED that Ms. McCaulley be committed to the custody of the Attorney General for such reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future the defendant will attain the capacity to permit the proceedings to go forward; and

FURTHER ORDERED that custody shall begin once the Attorney General has made suitable arrangements for the defendant's evaluation to commence, and the defendant shall report for custody at that time; and

FURTHER ORDERED that Ms. McCaulley's continued release pending her self-report for custodial evaluation is conditioned on the defendant's compliance on the following conditions:

(1) that she remain under the supervision of Pretrial Services and continue to abide by the

terms and conditions of her pretrial supervision;

(2) that she comply with the medical instructions from Dr. Scharre, including taking medications as prescribed; and

(3) that she maintain contact with her family so as to permit her family to assist in her stability and safety.

If the defendant does not comply with these conditions of release, she shall be promptly remanded to the custody of the United States Marshall.

~~**The Court will notify Ms. McCauley of the date when she shall report to the United States Marshall in Akron, Ohio, once the Attorney General has made suitable arrangements for the defendant's custodial evaluation to commence.~~

October 24, 2007


HONORABLE CHRISTOPHER A. BOYKO
United States District Judge

~~**The Court excludes this requirement.~~

Order amended November 16, 2007

s/Christopher A. Boyko
United States District Judge